

EXHIBIT M

DECLARATION

I, Jasmine Vargas, do hereby swear, affirm and attest under the penalties of perjury as follows, based upon my personal knowledge of the matters contained herein:

1. I am over the age of 18 and competent to testify to the matters stated in this declaration. I give this declaration voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2. I have been employed at The 40/40 Club, located at 6 West 25th Street, New York, New York, as a server (and an occasional bartender) from June 2007 to the present.

3. I do not consider Shawn Carter to be my employer. I have never witnessed him exercise control over any personnel decisions at the Club. To my knowledge, Mr. Carter does not interview employees, does not hire employees, does not set policies for the payment of wages, pay rates or the method of payment, and does not sign employees' paychecks. I have never witnessed Mr. Carter supervise or discipline employees, investigate complaints, or set employment policies or procedures.

4. I also have never witnessed Juan Perez exercise control over any personnel decisions at the Club. To my knowledge, Mr. Perez does not interview employees, does not hire employees, and does not set policies for the payment of wages, pay rates or the method of payment. I have never witnessed Mr. Perez supervise or discipline employees, investigate complaints, or set employment policies or procedures.

5. At all times throughout my employment, I have been required to clock in and clock out to provide the Club with an accurate record of my time worked. This is required even when I am working at the service bar and not taking orders directly from customers. When I clock out, I must declare the tips that I have earned during that shift.

6. The Club does not serve customers after 4:00 a.m., and regularly closes earlier during the week. Servers at the Club have only minimal side work to do following the conclusion of their shift. It takes approximately an hour and a half to perform this side work and to cash out at the end of each night. On most nights, servers generally leave the Club an hour and a half after the service ends.

7. I regularly work 8-9 hours per workday.

8. I regularly work 50 hours per week.

9. Throughout my employment at the Club, my paychecks and paystubs were regularly available for me to pick up in a box in the office. This has been the procedure throughout my employment at the Club. My paychecks are regularly void. I understand that the paycheck is void because the Club deducts the required tax withholdings for the tips that I earn from my wages. Because I make so much money in tips, the amount of taxes that must be withheld results in no money being due to me by the Club and, thus, a void paycheck. However, there have been occasions on which I received a non-void paycheck.

10. If an employee were to tell me that he or she did not receive his or her paychecks, I would tell him or her that the paychecks are available for pickup in the office.

11. On the occasions that I have reviewed my paystubs, I observed that I was paid time and a half for all hours over 40 worked in the workweek, and an additional hour of pay for any days that I worked more than 10 hours. All paychecks that I received indicated the number of hours that I had worked in the payroll period. To my knowledge, all of my paychecks accurately stated my hours worked and paid me properly for all such hours. If I had thought there was I mistake, I would have informed a manager.

12. I received my 2007 W-2 from the Club in a timely manner. It accurately reflects the wages that I earned. I am not aware of any employee who has not received their W-2 in a timely manner.

13. My understanding is that if a customer does not sign his/her credit card receipt, the Club may retain the server's tip for up to 90 days to ensure that the Club receives payment of the bill and that the customer authorizes payment of the 20% gratuity. After this 90 day period, the server will receive his/her tip.

14. The 40/40 Club has never deducted any amount from my wages or tips due to breakage, spills, returns, wrong orders or anything similar. I have no knowledge of any such deductions being made from any other employee's wages or tips. When a drink spills or a wrong order is prepared, managers will void the order.

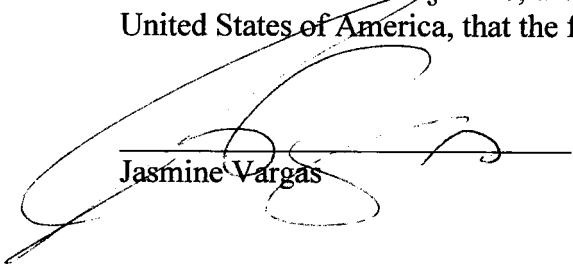
15. Servers at the Club maintain the amounts paid by customers, including tips we receive, until the end of the night. The Club's computer system permits me to add a 20% gratuity to my customers' bills for orders over \$30. At the end of each shift, I give the Club its sales money less any credit card tips I have earned. On the occasions where the amount of cash we receive does not cover our credit card tips, we are paid the balance by the Club on the spot. Therefore, the Club never takes possession of our tips. The

Club does not have a tip pooling arrangement, but we do give a percentage of our tips to the bussers and runners who help us serve our tables.

16. I am aware that former employees of The 40/40 Club have brought a class-action lawsuit against the Club claiming that they were not paid their full and proper wages. I am aware that I am a potential class member to the lawsuit and that the statements contained in my declaration may affect my rights in the lawsuit, should I choose to join it. However, I do not desire to become an opt-in plaintiff to the pending lawsuit against The 40/40 Club because I believe I have been properly compensated by the Club at all times. I do not believe that I have been denied any minimum, overtime or other wages.

17. This declaration was prepared by counsel for Twenty Ones, Inc. d/b/a The 40/40 Club based on an interview in which I voluntarily participated. I was advised that I could end the interview at any time. I have also been told by counsel for Twenty Ones Inc. that I should only sign this declaration if everything within it is true and correct to the best of my knowledge, information and belief. I have been given a full opportunity to review carefully this declaration I have been given a full opportunity to review carefully this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.



Jasmine Vargas

2/28/08
Date